

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14435 of the New Testament Church of God, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the rear yard requirements (Sub-section 3304.1) for the church site and variances to permit the location of all required parking spaces for a church to be located elsewhere and no spaces to be located on the same lot as the proposed church (Paragraph 7205.23) and from the requirement that five percent landscaping be provided for an open parking lot with more than ten open spaces (Paragraph 7206.91) to construct a church with accessory parking located on another lot in an R-1-B District. The proposed church is located at 1200 Tewkesbury Place, N.W., (Square 2945, Lot 76). The parking lot is located in the 1200 Block of Tuckerman Street, N.W., (Square 2945, Lot 852).

HEARING DATES: June 18, and September 17, 1986

DECISION DATE: September 17, 1986 (Bench Decision)

ORDER

The application was originally scheduled for the public hearing of June 18, 1986. The application appeared on the preliminary agenda of that public hearing because the Affidavit of Posting indicated that the property had been posted nine days prior to the public hearing instead of fifteen days as required by the Supplemental Rules of Practice and Procedure before the BZA. Testimony at the public hearing evidenced further inadequacy with regard to the posting of the property in that only one of the two sites involved was posted. A representative of Advisory Neighborhood Commission 4A appeared at the public hearing and opposed waiver of the rules to permit the hearing to continue without proper posting. The Chairperson ruled that the public hearing on the subject application be continued.

The application was rescheduled for the public hearing of September 17, 1986. At the public hearing, counsel for the applicant requested a continuance of the hearing. The basis for the request for continuance was that the applicant was unable to receive permission from the owner to post the property proposed for parking. Neither property was posted fifteen days prior to the hearing date. A representative of

ANC 4A was present at the public hearing and opposed any continuation of the application.

The Board concludes that a continuance is inappropriate under the circumstances. The application lists the applicant as the owner. There was no indication in the record that both properties were not owned by the applicant. Section 104.1 of the Rules permits representation in the Board proceedings by a person duly authorized in writing to do so by the owner of the subject property. There is no such authorization in the record with regard to the property proposed for the location of accessory parking. The property was inadequately posted.

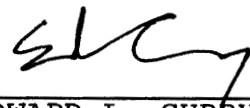
The Board concludes that the case can not go forward. If the applicant desires to obtain the requested relief, a new application with proper authorization should be filed and processed pursuant to the procedures of the Board.

According, the Board denied the request for continuance and DISMISSED the application as not properly before the Board due to inadequacies in both notice and authorization.

VOTE: 4-0 (Patricia N. Mathews, William F. McIntosh, Paula L. Jewell and Carrie L. Thornhill to dismiss; Charles R. Norris not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: OCT 8 1986

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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